IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 17096 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PARSHOTTAMBHAI MANEKLAL PATEL - Petitioner(s)
Versus
STATE OF GUJARAT & 6 - Respondent(s)

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Appearance :
MR SHITAL R PATEL for Petitioner(s) : 1,
MR.SATYAM CHHAYA, ASST GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 4.
MR DHARMESH V SHAH for Respondent(s) : 5 - 7.

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 10/10/2007

ORAL JUDGMENT

Heard learned advocate Mr.Shital R. Patel. The learned advocate submitted that keeping the orders

dated 25/28th February 2007 along with order dated 31st May 2005 (Annexure 'B' Colly.) and 12th April 2007 alive and then asking the authority-respondent no.2-Deputy Collector, Ahmedabad, Viramgam Prant 'to consider the affidavit filed by Mehta Nandlal Liladhar and to modify the orders' may not be workable. He requested that if those orders are quashed and then the respondent no.2-Deputy Collector is directed to decide the matter afresh so that he does not have even remote influence of the aforesaid orders.

2. Mr.Satyam Chhaya, learned Assistant Government Pleader, on instructions from respondent no.2 informs the Court that, respondent no.2 has already issued notices and hearing is fixed on 15th October 2007.

Taking into consideration the facts of the case and the submissions of the learned advocate for petitioner, orders dated 25/28th February 2005, 31st March 2005 and 12th April 2007 are quashed and set aside. The matter is remanded to respondent no.2, who shall decide the matter afresh in accordance with law and without being influenced by any of the aforesaid

orders.

At the request of Mr.Dharmesh V. Shah, learned advocate for respondents no.5 to 7, the learned advocate for the petitioner states that the petitioner will make the agreed concession before the respondent no.2-authority at the time of his deciding the matter. The learned advocate for the petitioner submitted that the respondents no.3 and 4 have sold the land to respondents no.5 and 7, hence their presence is not warranted. Rule is made absolute with no order as to cost.

(RAVI R. TRIPATHI, J.)

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